

07/26/01
JC882 U.S. PTO

7-27-01

A/B ex sec

Docket No. 5112

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): David R. Nelson

For (title): A Live, Avirulent Strain of *V. anguillarum* that Protects Fish Against Infection by Virulent *V. anguillarum* and Method for Making the Same

JC978 U.S. PTO
09/915706
07/26/01

1. Type of Application

- ☒ Utility
☐ Design

2. Small Entity

- ☒ Yes
☐ No

3. Benefit of Prior U.S. Application(s) Under 35 U.S.C. §120

This application is a:

- ☐ Divisional
☐ Continuation
☐ Continuing Patent Application (CPA) under 37 C.F.R. §1.53(d)
☐ Continuation-in-part (CIP),

and hereby claims benefit under 35 U.S.C. §120 to the following applications:

SERIAL NUMBER	FILING DATE

4. Benefit of Non-U.S. Application Under 35 U.S.C. §119(a)-(d)

This application claims priority under 35 U.S.C. §119(a)-(d) to the following foreign application(s) and/or inventor certificate(s):

COUNTRY	APPLN. NUMBER	FILING DATE
None		

Certified copy(ies) of the application(s) and/or inventor certificate's from which priority is claimed:

- ☐ is(are) attached;
☐ will follow.

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on July 26, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL911122061US addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231.

Julie A. Catalano
Julie A. Catalano

5. **Benefit of Provisional Application Under 35 U.S.C. §119(e)**

This application claims priority to the following provisional application(s):

SERIAL NUMBER	FILING DATE
60/220,733	July 26, 2000

6. **Papers Enclosed Which Are Required For Filing Date Under 37 C.F.R. §1.53**

34 Pages of Specification, including claims and abstract

5 Sheets of Drawing

7. **Additional Papers Enclosed**

- ☐ Declaration and Power of Attorney
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 CFR 1.98), Form PTO-1449 and a copy of each cited reference
- ☐ Assignment and Form PTO-1595
- ☐ Declaration of Biological Deposit
- ☒ Submission of "Sequence Listing" computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequences pursuant to C.F.R. § 1.821 et. seq.
- ☐ Other _____

8. **Application Filing Fee Calculation**

A. ☒ Utility Application

FEE CALCULATION:

Total Claims: 29 - 20 = 9 × \$18 = \$162.00

Independent Claims: 6 - 3 = 3 × \$80 = \$240.00

Basic Fee: \$710.00

Multiple-Dependent-Claim Fee : \$

Total of the Above Calculations: \$1,112.00

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple dependencies enclosed.
- ☐ Fee for extra claims is not being paid at this time.

B. ☐ Design application - \$320 \$

Application Filing Fee Sub-Total \$

C. ☒ Less 50% reduction for small entity.....\$556.00

D. ☐ Non-English Specification - \$130.....\$


TOTAL FILING FEE\$ 556.00

9. **Payment**

- ☒ Enclosed
- ☒ Check in the amount of the Total Filing Fee set forth above.
- ☐ Charge Account No. 19-0079 in the amount of Total Filing Fee set forth above. A duplicate of this transmittal is attached.
- ☐ Not Enclosed

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper or any paper filed in connection with this Patent Application, or refund any overpayment to our Deposit Order Account No. 19-0079.

Respectfully submitted,



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109220 9025460

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor		David R. Nelson
	Title	A Live, Avirulent Strain of <i>V. anguillarum</i> that Protects Fish Against Infection by Virulent <i>V. anguillarum</i> and Method for Making the Same	
	Atty Docket Number		5112

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

26 July 01
Date


Signature

Richard L. Stevens

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner of Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 5112

In re patent application of

NELSON, DAVID R.

Serial No. Unassigned

Filed: Concurrently Herewith

For: A LIVE, AVIRULENT STRAIN OF V. ANGUILLARUM THAT
PROTECTS FISH AGAINST INFECTION BY VIRULENT V.
ANGUILLARUM

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

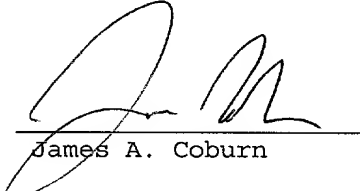
1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

Serial No. Unassigned

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

August 1, 2000
Date


James A. Coburn

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